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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,045	10/04/2005	Luis M. Arnau Manresa	MDR-0042	4282
34610	7590	08/11/2008	EXAMINER	
KED & ASSOCIATES, LLP			LE, MARK T	
P.O. Box 221200				
Chantilly, VA 20153-1200			ART UNIT	PAPER NUMBER
			3617	
			MAIL DATE	DELIVERY MODE
			08/11/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/532,045	ARNAU MANRESA, LUIS M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MARK T. LE	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>4/21/05</u> .	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

1. The abstract of the disclosure is objected to because legal phraseologies, such as the words "said"/"means"; and phrases that can be implied, such as "the invention relates to ..." or "the invention also comprises ...", should be avoided. Correction is required. See MPEP § 608.01(b).
2. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the instant claims, it is not clear as to whether if the guide means, the guide follower of the toy vehicle, the movable member, the fin, and the control system are intended to form parts of the instant claimed combination.

In line 2 of claim 1, the expression "said set of the type" is not clear as to what structures are intended to be covered under the instant claimed type.

It is noted that the words "consists of" and "consisting" are used throughout the instant claims. Applicant should aware of the limited scope of such words.

In claim 1, line 4, "... that comprises" is indefinite because it is not clear as to what structure is being referred to as "that".

In claim 1, line 5, it is not clear as to what structure is being referred to by the word "which".

In claim 1, line 11, it is not clear as to what structure is being referred to by the word "it".

In claim 1, lines 12-13, it is not clear as to what structure is being provided with contact end (22).

Further note that the last paragraph of claim 1, which characterizes the significance of the instant claimed invention, is narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

The instant claims appear to be resulted from a direct translation of a foreign document; wherein, the instant claimed structure is not clearly defined. The above noted problems are merely exemplary. Applicant is suggested to rewrite the instant claims in conforming to the U.S. practice.

3. Claims 1-25 would be favorably considered if rewritten or amended to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should further consider the structures of Metzner, Barnes, Bonanno, Caruso, Goodman, McRoskey, Cramer, Gill and Celesia.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK T. LE whose telephone number is (571)272-6682. The examiner can normally be reached on Mon-Fri, between 8:15-4:45 (Teleworking).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Le/  
Primary Examiner  
Art Unit 3617

mle  
8/5/08